

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID BENAVIDEZ, ET AL.,

Plaintiffs,

vs.

CIV No. 97-1535 MV/WWD

DAYTON HUDSON CORPORATION, ET AL.,

Defendants,

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court upon the Motion for Independent Psychological Examination of David and Ronda Benavidez filed by defendants on August 28, 1998. Plaintiffs have made claims which bring into issue their emotional states in connection with psychological damages claimed in connection with injuries suffered by their minor child, Plaintiff Anthony Benavidez. Additionally, there are possible claims for emotional distress allegedly suffered by David and Ronda Benavidez. The home environment created by David and Ronda Benavidez, Anthony's parents, is clouded with numerous incidents of domestic violence. Defendants argue that Anthony's home environment and his family's failure to provide him with "consistent family support" has caused the psychological injury for which Anthony now seeks damages from defendants. The allegations in this lawsuit as well as the family history of the parties support my finding of good cause for the examinations as is required by Fed. R. Civ. P. 35.

WHEREFORE,

IT IS ORDERED that Plaintiffs David and Ronda Benavidez shall submit to psychological examinations upon reasonable notice in conformity with Fed. R. Civ. P. 35(a).


UNITED STATES MAGISTRATE JUDGE